IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5831 OF 2003

Mrs. Swati Davate..... Petitioner.

Versus

Vidya Vikas Mandir Vidyalaya & Ors... Respondents.

Mr. N. V. Bandiwadekar for the Petitioner.

None present for Respondent Nos.1 and 2.

Mr. S. K. Chinchlikar, AGP for Respondent No.3.

CORAM : S. A. BOBDE, J.

DATED : 18TH MARCH, 2005.

P.C.:

The petitioner was appointed as Shikshan Sevak with the respondent School. She was paid a honorarium of Rs.3,000/-. This scale is meant for trained undergraduate teacher. In the respondent school the trained undergraduate teachers are meant to teach standards V to VII. This is not in dispute even according to the petitioner. However, in this case, the petitioner appears to have been asked to teach standards VIII to X.

2. The petitioner’s services were terminated on the ground that there was a reduction of post in one division of standard V, which is not disputed. This termination was challenged by the petitioner before the Grievance Committee which has dismissed the petitioner’s appeal.

3. Mr. Bandiwadekar, learned Counsel for the petitioner, submitted that since the petitioner was teaching standards VIII to X, a reduction of one division in standard V ought not to have resulted in the petitioner’s termination. This contention though plausible is not acceptable. The petitioner accepted her appointment as trained undergraduate teacher meant for the purposes of teaching standard V to VII in the respondent school. She took no objection to being asked to teach standard VIII. If for administrative reason a teacher who accepts his or her appointment as a trained undergraduate teacher is asked to teach a higher class because of her qualification and makes no grievance about it, it cannot be said that this situation brings about any change in his or her status. The petitioner’s status as a trained

undergraduate teacher remained unchanged. Therefore, a reduction in the posts of this category would affect the petitioner. In these circumstances, I am of view that the order of the Grievance Committee does not suffer from any infirmity in view of the fact that the petitioner was admittedly a junior most teacher in the trained undergraduate scale meant for teaching standards V to VII. Since there was a reduction in a division of standard V, her services have been properly terminated.

4. In this view of the matter, there is no merit in this petition, which is, accordingly, dismissed.

Sd/-

(**S. A. BOBDE, J.**)